

REMARKS

Claims 1, 3-5, 17-28, 30, 32, and 33-35 remain pending in the Application. Claim 1 has been amended.

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The foregoing amendment is submitted to more clearly set forth the claimed invention and to highlight the differences between the claimed invention and the cited prior art.

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Claims 1, 3-5, 30 and 32-36 stand rejected under U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action reports that claim 1 contains the word "affinity" which was not taught in the original Specification. The Examiner advises that the language --each having a complementary binding substance-- is supported by the Specification. In consideration of the Examiner's remarks, Applicants have amended claim 1 to change "each having a binding affinity" to --each having a complementary binding substance--. In view of the discussion, withdrawal of the rejection under 35 U.S.C. Section 112 is therefore deemed proper and is respectfully requested.

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Claims 1, 3-5, 30 and 32-36 stand "rejected under 35 U.S.C. 102(b) as being clearly anticipated by Nova et al. (USP 5,741,462)." The rejection is hereby traversed and reconsideration is respectfully requested.

The invention as characterized in Claim 1 is a device including a substrate, at least one complement, signal generating means and a protective coating. The substrate includes a surface for supporting at least one complement at fixed locations, which have been contacted with a sample. The protective coating is applied to cover the substrate surface that has been contacted with the sample to preserve and extend the life of the signal generating means (e.g., indicating agent). In this manner, the problem the present invention seeks to resolve, relates to premature degradation or interference of signal generating means or indicating agents to preserve test results.

Nova et al. disclose a combination of (i) a miniature recording device that contains one or more programmable data storage devices (memories) that can be remotely programmed and read, and (ii) a matrix, such as a particulate support used in chemical syntheses. Nova et al. disclose that the remote programming and reading of the miniature recording device is preferably effected using electromagnetic radiation. The recording device of Nova et al. is a miniature device, typically less than 10mm<sup>3</sup> in size, preferably smaller, that includes "at least one data storage unit that includes a remotely programmable and remotely readable, preferably non-volatile memory... This device with remotely programmable memory is in proximity with or in contact with the matrix," (see Col. 4, ll. 63-67).

Specifically, the recoding device of Nova et al. is adapted to receive a transmitted signal to cause a data point corresponding to the data signal to be permanently stored within the memory means, and may include a shell that is "non-reactive with and impervious to any processing steps or solution in which the combination of the matrix

with recording device is placed," (see Col.5, ll. 3-9) In effect, the recording device is an electronic identification tag or label for tracking purposes. Nova et al. further disclose that the recording device is coated with at least one layer of material (e.g., glass or ceramic), and that the material may itself be used as the matrix. This is materially  
5 different to what is claimed by Applicants.

There is no teaching or suggestion in Nova et al. for utilizing a protective coating for covering a substrate having a surface supporting at least one complement at fixed locations thereof, that has been contacted with a sample as claimed by Applicants.  
10 Accordingly, the claimed invention is neither anticipated by nor rendered obvious by Nova et al.

In view of the foregoing, Applicants submit that the present application is in condition for allowance and early passage to issue is therefore deemed proper and  
15 respectfully requested.

It is believed that all the requisite fees are enclosed herewith. However, if any additional fee is due, it should be charged to Deposit Account No. 23-0510.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Allen R. Kipnes".

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